

**Testimony of
Robert S. LaBrant
Senior Vice President and General Counsel
Michigan Chamber of Commerce
on HB 4313
before the
House Ethics and Elections Committee
on February 28, 2007**

Mr. Chairman and members of the Committee:

HB 4313 is an attempt to address the possible impropriety, or even its appearance, that could arise when a state level public official leaving public office, either voluntarily or involuntarily through electoral defeat or term limitation, uses the remaining time left in his or her term of office to line up future employment as a lobbyist agent at either a multi-client lobbying firm or law firm or as a lobbyist agent in a business, educational institution, union or association. To discourage this kind of revolving door and the ethical issues that could arise, HB 4313 would prohibit a former state level public official from doing any lobbying for a period of one year after leaving office.

As drafted, HB 4313 would prevent, for instance, a former legislator from speaking at any face to face meeting with, making one telephone call to, writing one letter to, sending one fax to, or one text or e-mail message to a public official for the purpose of influencing legislative or administrative action when the former legislator is communicating to a public official on behalf of that new employer or a client of that new employer for a period of one year after leaving the legislature.

In an era of term limits, it can be expected that a high percentage of the termed out lawmakers will return to the private sector after completing six, eight, 14 years or less of legislative service.

Not all of these former legislators will be employed full time as lobbyist agents. However, it is conceivable that an employer may want to take advantage of that former legislator's experience and knowledge during that first year of employment, on an occasional or perhaps one time basis, to communicate directly with a public official in the legislative or executive branch of state government where the purpose of the communication is to influence that public official's legislative or administrative action on behalf of that employer. HB 4313 would prohibit any such contact for one year no matter how occasional or isolated that communication might be.

I would suggest that HB 4313 is overbroad. The bill should be narrowed in focus so that in that one year period after legislative service, a former public official's lobbying should be less than the monetary threshold required for registration as a lobbyist agent. In 2007 that threshold for lobbying compensation is \$550 during a 12 month period.

SUGGESTED AMENDMENTS

1. On page 1, line 4 after “lobbying”, insert “THAT IS EQUAL TO OR EXCEEDS THE MONETARY THRESHOLD REQUIRED FOR REGISTERING AS A LOBBYIST AGENT.”
2. On page 2, line 1 after “lobbying”, insert “THAT IS EQUAL TO OR EXCEEDS THE MONETARY THRESHOLD REQUIRED FOR REGISTERING AS A LOBBYIST AGENT.”
3. On page 2, line 8 after “lobbying”, insert “THAT IS EQUAL TO OR EXCEEDS THE MONETARY THRESHOLD REQUIRED FOR REGISTERING AS A LOBBYIST AGENT.”